

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

HELEN ANN P. DAVIS

Plaintiff,

v.

JEFFERSON REGIONAL MEDICAL
CENTER,

Defendant.

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2:06cv1094

Electronic Filing

Judge Cercone

Magistrate Judge Lenihan

MEMORANDUM ORDER

Plaintiff's Complaint was received by the Clerk of Court on August 18, 2006 and was referred to United States Magistrate Judge Lisa Pupo Lenihan in accordance with the Magistrate Judge's Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

The Magistrate Judge's Report and Recommendation (Doc. No. 16) filed on August 22, 2007, recommended that the Motion to Dismiss or, in the alternative, Motion for Summary Judgment filed by Defendant be denied. Service was made on all counsel of record. The parties were informed that in accordance with the Magistrate Judge's Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.1.4(B) of the Local Rules for Magistrate Judges, that they had ten (10) days to file any objections. Defendant filed Objections to the Report and Recommendation (Doc. No. 18) and Brief in Support (Doc. No. 17). After review of the pleadings and the documents in the case, together with the Report and Recommendation and the Objections thereto, the following Order is entered:

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AND NOW, this 19 day of September, 2007;

IT IS HEREBY ORDERED that Defendant's Motion to Dismiss, or in the alternative, Motion for Summary Judgment is denied.

IT IS FURTHER ORDERED that the Report and Recommendation (Doc. No. 16) of Magistrate Judge Lenihan, dated August 22, 2007, is adopted as the Opinion of the Court.



David S. Cercone
United States District Judge

cc: Lisa Pupo Lenihan
United States Magistrate Judge

All counsel of record